

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
ABILENE DIVISION

## **ORDER**

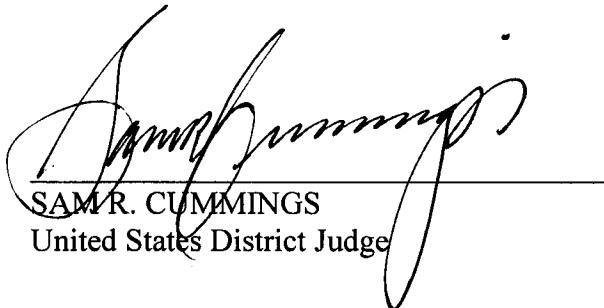
Plaintiff Jesse E. Poulin filed a civil rights complaint pursuant to 42 U.S.C. § 1983 and named Assistant Warden Richard G. Leal, Captain Adrian L. Correll, Lieutenant Margret A. Smith, Sergeant Clayton J. Arrendall, Officer Timothy A. Huggins, Officer Marcus W. Huggins, Officer Amber L. Bartley, Officer Smadar Cohen, Officer Jessica L. Richards, and Gary M. Cotton, employees of the Texas Department of Criminal Justice, Correctional Institutions Division (“TDCJ-CID”) French Robertson Unit as Defendants. Because Plaintiff has failed to clarify whether he is suing the Defendants in their individual capacities, official capacities, or both, the Court shall assume that he is suing the named individuals in both capacities. Plaintiff alleges that Defendants subjected him to an unnecessary strip search and cavity search in the presence of females who were not his wife in violation of his constitutional right to privacy, his free exercise right to practice modesty and humility as a part of his Muslim faith, the Religious Land Use and Institutionalized Persons Act, and the Texas Religious Freedom Restoration Act.

In light of the Fifth Circuit Court of Appeals' decision in *Robledo v. Leal*, USCA No. 12-10441, an unpublished opinion issued on June 21, 2013, this Court declines to adopt the Magistrate Judge's Report and Recommendation filed on November 20, 2012, and finds that Plaintiff has stated claims of constitutional violations sufficient to require responsive pleadings from Defendants Leal, Correll, Smith, Arrendall, T. Huggins, M. Huggins, Bartley, Cohen, Richards, Cotton, and the TDCJ-CID.

It is, therefore, ORDERED:

1. A copy of this Order and Plaintiff's complaint shall be mailed to the Inmate Litigation Coordinator, Enforcement Division, P.O. Box 12548, Capitol Station, Austin, Texas 78711-2548, by certified mail, return receipt requested; and
2. Defendants Leal, Correll, Smith, Arrendall, T. Huggins, M. Huggins, Bartley, Cohen, Richards, Cotton, and the TDCJ-CID shall each file a written answer or other responsive pleading within thirty (30) days from the date the Inmate Litigation Coordinator receives this Order.

Dated July 19, 2013.



SAM R. CUMMINGS  
United States District Judge